



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OP-RMN (AA DPW/SHADY COVE/BREAKWATER)
08-01486-M27

PN08-45

Comment Period: 14 July 2008 to 14 August 2008

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army Permit pursuant to 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Anne Arundel County
1 Harry Truman Parkway
Annapolis, MD 21401

LOCATION: Shady Cove Peninsula, in Shadyside, Maryland on the West River
(Latitude: 38° 50' 54" / Longitude: 76° 30' 08")

WORK: To construct 690 linear feet of segmented stone sills, place 8,000 cubic yards of sand, and install plantings to create over 2.0 acres of tidal marsh. Five deteriorated pilings (off-shore), fallen trees (off-shore) and a deteriorated bulkhead would be removed. The project would be comprised of the following (stone sills will be constructed of 800-2,000 lb armor stone):

1. Three 17' X 125' stone sills
2. One 15' X 140' stone sill
3. One 15' X 125' stone sill
4. One 15' X 50' sand containment structure

The marsh would be graded to create low marsh and high marsh. The low marsh would be planted with *Spartina alterniflora* (smooth cordgrass) and *Ammophila breviligulata* (American beachgrass). The high marsh would be planted with *Spartina patens* (saltmeadow cordgrass), *Iva frutescens* (marsh elder), and *Myrica cerifera* (wax myrtle). The maximum distance channelward encroachment is approximately 208 feet from the mean high water (MHW) line. All work is to be completed in accordance with enclosed plans. If you have any questions concerning this matter, please contact Ms. Erika Mark at (410) 962-6144.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for windowpane flounder (*Scophthalmus aquosus*) juveniles and adults; bluefish (*Pomatomus saltatrix*) juveniles and adults;

Atlantic butterfish (*Peprilus triacanthus*) eggs, larvae, juveniles and adults; Atlantic sea herring (*Clupea harengus*) adults; summer flounder (*Paralichthys dentatus*) larvae, juveniles and adults; scup (*Stenotomus chrysops*) juveniles and adults; black sea bass (*Centropristus striata*) juveniles and adults; king mackerel (*Scomberomorus cavalla*) eggs, larvae, juveniles and adults; Spanish mackerel (*Scomberomorus maculatus*) eggs, larvae, juveniles and adults; cobia (*Rachycentron canadum*) eggs, larvae, juveniles and adults; red drum (*Sciaenops ocellatus*) eggs, larvae, juveniles and adults; red hake (*Urophycis chuss*) juvenile and adults all managed species under the MSFCMA.

The project may have an adverse effect on EFH as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant must obtain any State or local government permits which may be required.

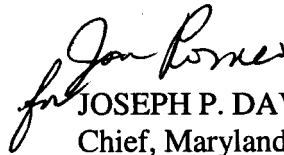
A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:


JOSEPH P. DAVIA
Chief, Maryland Section Northern



SHADY COVE POINT LIVING SHORELINE PROJECT

Anne Arundel County
Department of Right of Way
1 Harry Truman Parkway
Annapolis, MD 21401

SHORELINE DESIGN
LLC.

DESIGN - CONSTRUCTION

637 Shore Drive Tel: 410-956-4662
Edgewater, MD 21037 FAX: 410-956-0662
Principal: Wes Matheu shorelinedesign@verizon.net
MHIC#: 75879

www.shorelinedesign.us

TITLE VICINITY MAP

OWNER Anne Arundel County
1 Harry Truman Parkway
Annapolis, MD 21401

ZONING Open Space
LOT SIZE 3.39 acres
TAX I.D. 07-000-900-507-62
TEL.

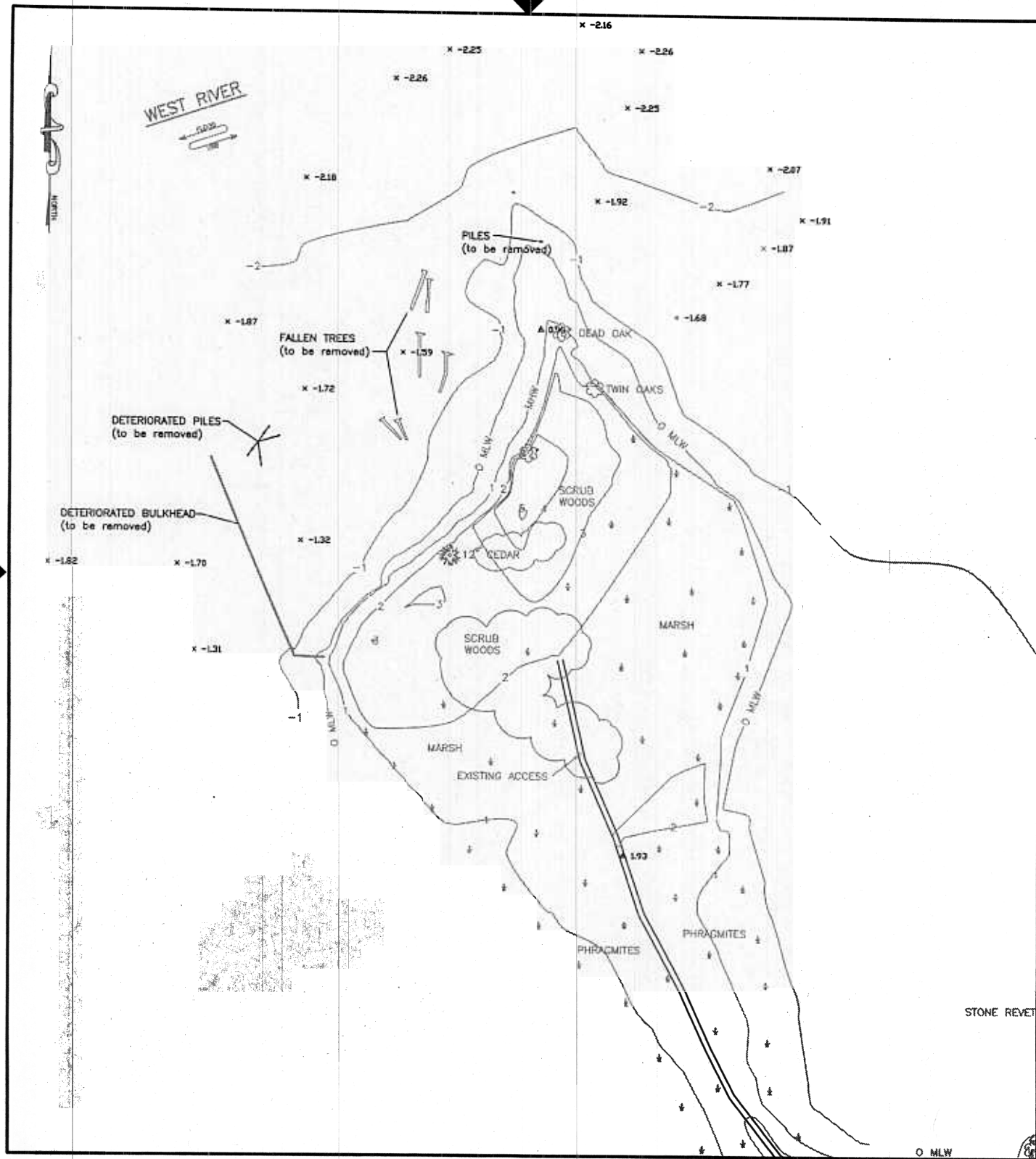
WATERBODY
West River

SCALE
NONE

DATE
February 8, 2008

REVDATE

SHEET
1 of 8



SHORELINE DESIGN
L.L.C.

DESIGN - CONSTRUCTION

637 Shore Drive
Edgewater, MD 21037
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TITLE SHADY COVE POINT - EXISTING CONDITIONS

OWNER Anne Arundel County
Department of Right of Way
1 Harry Truman Parkway
Annapolis, MD 21401-7042

WATERBODY WEST RIVER

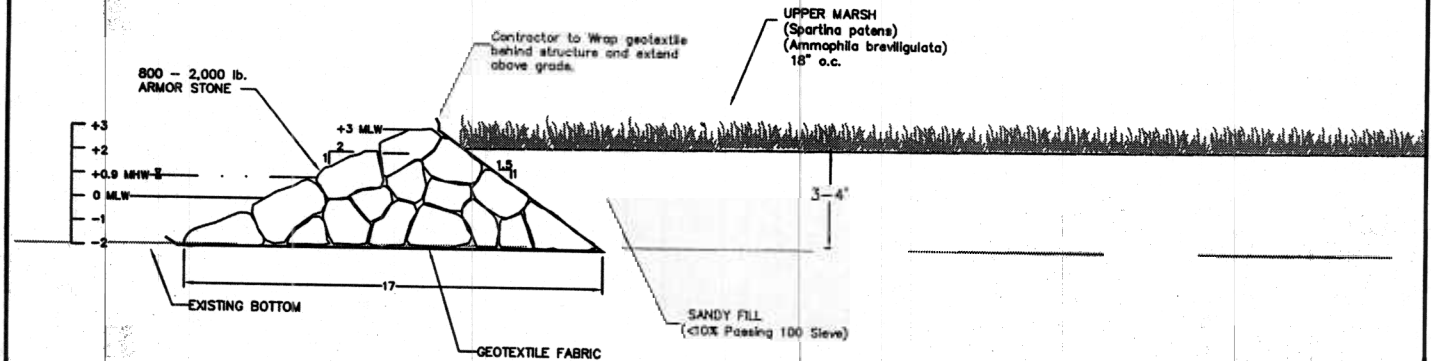
SCALE
1" = 100'

DATE
February 8, 2008

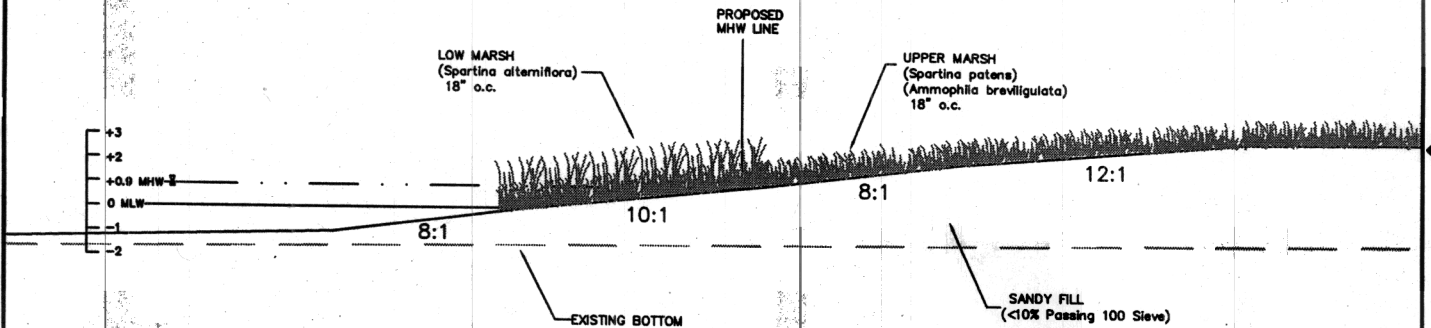
SHEET
2 of 8

REVDATE:

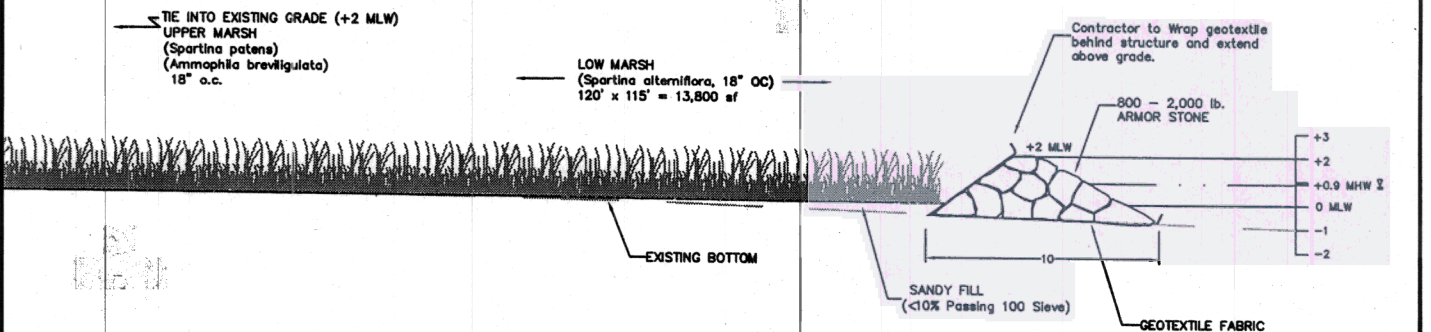
SECTION A-A



SECTION B-B



SECTION C-C



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TITLE SHADY COVE POINT - DETAIL

OWNER Anne Arundel County
Department of Right of Way
1 Harry Truman Parkway
Annapolis, MD 21401-7042

WATERBODY WEST RIVER

DATE
February 8, 2008

SCALE
1" = 8'

SHEET
8 of 8

REVDATE: